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## **EPA Delays Fracking Risk Study Until November, Adding To GOP Concerns**

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EPA is extending until November its congressionally directed study of the risks to drinking water posed by hydraulic fracturing, putting the effort on a similar track as a related agency inquiry into alleged fracking contamination in Wyoming though the extension may raise doubts over whether EPA can finish the broad study in 2014 as planned.

The delay is likely to add to existing concerns from Republican lawmakers and industry officials who are concerned that the slow pace of a EPA studies on fracking's risks is leaving industry vulnerable to public allegations that the practice is not safe.

House Science Committee Chairman Lamar Smith (R-TX) reiterated those concerns at an April 26 hearing, where he charged that EPA studies in Texas, Pennsylvania and Wyoming, along with the delayed details of a broad administration fracking study plan, "provide cause for concern."

EPA in a *Federal Register* notice slated for publication April 30 says it is extending the deadline for the public to submit studies and scientific data to inform its fracking study from April 30 to Nov. 15. "To ensure that the EPA is up-to-date on evolving hydraulic fracturing practices and technologies, the EPA is soliciting relevant data and scientific literature specific to potential impacts of hydraulic fracturing on drinking water resources. While the EPA conducts a thorough literature search, there may be studies or other primary technical sources that are not available through the open literature," according to the notice.

EPA has said it plans to complete the study in 2014, when it could form the basis for determining whether and how to regulate some practices associated with the oil and gas extraction technique.

But agency officials indicated recently that they are struggling to develop methods to analyze potential contamination due to fracking for its pending study, as well as some specific case studies, prompting industry officials to urge the agency craft monitoring criteria to ease their ability to assess suspected contamination.

The extension puts the congressionally directed study onto a similar track as EPA's efforts in Pavillion, WY, to investigate whether fracking activities contaminated groundwater. In a controversial draft report released in 2011, EPA suggested that the contamination was likely due to fracking.

EPA's methods in the Pavillion study, as well as similar studies in Dimock, PA and Parker

County, TX, have raised questions about EPA's larger study of fracking and drinking water, along with the planned collaborative research the agency is conducting with the U.S. Geological Survey (USGS), the Department of Energy (DOE) and other agencies, which includes additional water quality studies.

The criticisms may have contributed to EPA extending the comment deadline on its Pavillion study through Sept. 30. But the extension on the Pavillion study has also drawn criticism from Republicans and industry, who have charged that EPA's delay moving forward on the Pavillion report "allows the Agency's unsubstantiated claims to remain unchecked."

### **Leasing Delays**

EPA's extension on the congressionally directed study could prompt similar concerns from industry groups as environmentalists are already successfully citing the pending study to force closer scrutiny of planned fracking activities. For example, a federal court in California recently cited the pending EPA study to block a planned federal lease sale in the state, saying the Bureau of Land Management (BLM) did not adequately assess the potential for contamination.

The March 31 ruling in *Center for Biological Diversity (CBD) and Sierra Club v. BLM and Ken Salazar, Secretary of the Department of Interior* found that federal officials violated the National Environmental Policy Act (NEPA) when it declined to conduct an environmental impact statement (EIS) to assess the potential contamination from fracking in approving the sale of oil and gas leases on approximately 2,700 acres of federal land in Monterey and Fresno counties.

The ruling noted that while the potential risk of contamination from fracking is unknown it "is not so remote or speculative to be completely ignored." It noted that the BLM's own environmental assessment cited a House appropriations committee report that required EPA to study potential risks of fracking, as well as EPA's pending study to suggest that there are potential risks of contamination.

"Fracking liquid contains chemicals that are known to be possible carcinogens, possible human health risks, or hazardous air pollutants. These risks, combined with the parcels' proximity to certain important water resources, should have been properly considered," the ruling says.

Since the ruling, environmentalists have filed a second lawsuit challenging an even bigger BLM lease sale which also cites EPA's pending study in Pavillion to warn of possible environmental risks. "In a draft report, EPA concluded fracking likely was the cause of groundwater contamination with benzene and other carcinogens and toxins in Pavillion, WY," the April 18 complaint charges. "These findings were confirmed in a follow up analysis performed by EPA, and by a hydrologic consultant."

Meanwhile, Smith and other House Republicans are criticizing the delay of a report outlining plans for how EPA and DOE, USGS and Health & Human Services plan to expand and coordinate their fracking research, particularly in light of previous EPA efforts in Texas, Wyoming and Pennsylvania to investigate groundwater contamination reportedly linked to fracking.

“Why are you spending money to implement a plan [you] haven't released to the public or Congress?” Rep. Cynthia Lummis (R-WY), chairman of the House Committee on Science, Space & Technology's energy panel, asked federal officials during the April 26 hearing, “Review of Federal Hydraulic Fracturing Research Activities.”

President Obama's proposed fiscal year 2014 budget for EPA, released April 10, seeks an additional \$8 million for the agency to expand upon its work with DOE and the USGS under a 2012 memorandum of agreement (MOA) to “analyze the potential impacts of hydraulic fracturing on air, ecosystem and water quality.”

Additionally, DOI requested \$12 million and USGS \$18.6 million, which USGS Northeast Regional Executive David Russ said during the hearing would include additional funding to expand on FY13 research on induced seismicity, or earthquake impacts, related to underground injection of fracking wastewater.

### **'Under Development'**

However, during the hearing, held jointly with the science panel's environment subcommittee, GOP lawmakers pointed out that the agencies missed a January 2013 deadline to release a research plan for public comment. “The administration must tell us what it wants to spend this money on,” Lummis said.

Kevin Teichman, EPA's senior science advisor within its Office of Research & Development, said that the plan is currently “under development” but did not give reasons behind the delay, and said in written testimony that the ongoing work to develop the plan “has been very helpful in both coordination among the three agencies' research efforts and the development of the President's FY 2014 Budget Request.”

Lummis also criticized EPA's efforts in Pavillion to investigate contaminated groundwater, noting that during a 2012 budget hearing then EPA Administrator Lisa Jackson told lawmakers that pollution in Pavillion, detailed in EPA's controversial 2011 report suggesting the contamination was likely due to fracking fluids, affected groundwater, but did not appear to have impacted drinking water.

“EPA is not distinguishing in peoples' minds between drinking water and groundwater not used for drinking,” Lummis said, calling the Pavillion report “highly frustrating” and suggesting that the agency “tried to create an example to raise to the national level” to demonstrate that fracking can pollute groundwater. -- *Bridget DiCosmo* ( [bdicosmo@iwpnews.com](mailto:bdicosmo@iwpnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )